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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

HERCULES INDUSTRIES, INC., a Colorado corporation,

Plaintiff,

v.

YOGAPIPE, INC., a Delaware corporation,

Defendant,

UMC, INC., a Utah corporation,

Intervenor Plaintiff,

HERCULES INDUSTRIES, INC., a Colorado corporation, and YOGAPIPE, INC., a Delaware corporation,

Intervenor Defendants.

MOTION FOR LEAVE TO REGISTER JUDGMENTS IN U.S. DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS AND U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Case No. 2:22-cv-00027-DAK-JCB

Hon. Dale A. Kimball

Magistrate Jared C. Bennett

Plaintiff/Judgment Creditors, Hercules Industries, Inc. and UMC, Inc., through counsel, move pursuant to 28 U.S.C. §1963 for leave to register the judgments entered in this action in the United States District Court for the District of Massachusetts and the United States District Court for the District of Maryland, and as grounds state as follows:

1. On October 10, 2023, the Court entered judgments in this action in favor of each of the judgment creditors, and against the judgment debtor.
2. The judgment debtor has filed an appeal of the judgments entered against it in this action, which is pending in the 10th Circuit Court of Appeals as *YogaPipe, Inc. v. Hercules Industries, Inc. and UMC, Inc.*, Case No. 23-4145. The judgment debtor has not filed a supersedeas bond, as necessary to stay execution on the judgments pending resolution of the judgment debtor's appeal.
3. The judgment debtor does not possess assets in the state of Utah. On information and belief, the judgment debtor possesses assets in the states of Massachusetts and Maryland. The judgment creditors wish to register the judgments entered in this action in the United States District Court for the District of Massachusetts and the United States District Court for the District of Maryland, to facilitate execution on their judgments.
4. 28 U.S.C. §1963 provides in relevant part that a judgment creditor may register a judgment in another judicial district during the pendency of an appeal where no supersedeas bond has been posted, when ordered by the court that entered the judgment for good cause shown.
5. The fact that the judgment debtor does not possess executable assets in the state of Utah, together with the fact that the judgment debtor has not posted a supersedeas bond, constitutes good cause for granting leave for the judgment creditors to register their judgments in other judicial

districts. See, e.g., *In re Steel Reclamation Resources, Inc.*, 54 F.3d 670, 1995 WL 495272 (10th Cir. 1995) (not selected for official publication).

WHEREFORE, the judgment creditors respectfully request that the Court grant them leave to register the judgments entered in this action in the United States District Court for the District of Massachusetts and the United States District Court for the District of Maryland.

DATED this 4th day of March, 2024.

James F. Scherer

Name of Counsel

James F. Scherer

Signature of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March 2024, I served a true and correct copy of the foregoing **MOTION FOR LEAVE TO REGISTER JUDGMENTS IN U.S. DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS AND U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND** was served via email upon the following:

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/s/ Shannon Durbin
Shannon Durbin, Paralegal